



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Rebecca Bird, Community Development Associate

DATE: February 14, 2008

SUBJECT: Plan Case No. 2053-T-07: Request by the Zoning Administrator to amend Sections XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance regarding nominations for local historic districts and landmarks.

Introduction and Background

Plan Case No. 2053-T-07 is a request to amend the Historic Preservation provisions of the Urbana Zoning Ordinance (Article XII) to allow Historic Preservation Commissioners to nominate properties for local historic district and landmark designation.

This case was reviewed by the Historic Preservation Commission at their February 6, 2008 meeting at which they recommended to forward this case to the Urbana Plan Commission with a recommendation for approval.

At the February 7, 2007 joint meeting of the Urbana City Council and the Historic Preservation Commission, a study session was held to discuss ways of increasing the number of applications for local historic districts and landmarks. During the meeting, it was suggested that the Historic Preservation provisions of the Zoning Ordinance be amended to allow Historic Preservation Commissioners to nominate properties for designation as local historic districts and landmarks. Currently, the ordinance states that for both historic districts and historic landmarks,

Nominations may be made by anyone except the Preservation Commission and individual members of the Preservation Commission (Article XII-4.A.1 and Article XII-5.A.1).

At that meeting, it was pointed out that the Historic Preservation Commissioners are some of Urbana's most capable residents in terms of historic preservation and yet they are unable to be involved with writing or submitting applications. Amending the ordinance to allow nominations by the Historic Preservation Commissioners if they abstain from voting on any designations with

which they are personally involved was suggested as a means to address the concern and to encourage additional nominations.

On February 6, 2008, the Historic Preservation Commission discussed the proposed text amendment and voted unanimously to recommend its approval to the Urbana Plan Commission.

The proposed Zoning Ordinance text amendment would revise Section XII-4.A.1 (Historic Districts) to read as follows:

Section XII-4. Historic Districts

A. *Historic District Nomination.* Nominations shall be made to the Preservation Commission by means of a completed application form provided by the Preservation Commission. A filing fee may be required with this application form. The application and filing fee shall not be accepted until the Secretary considers it complete. The Secretary shall have five working days to review an application for completeness.

1. Nominations may be made by ~~anyone except the Preservation Commission and individual members of the Preservation Commission.~~ any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

The proposed Zoning Ordinance text amendment would revise Section XII-5.A.1 (Historic Landmarks) to read as follows:

Section XII-5. Historic Landmarks

A. *Historic Landmark Nomination.* Nominations shall be made to the Preservation Commission on a completed application form provided by the Preservation Commission. The Secretary or his/her designee shall not accept an application or filing fee until it is considered complete. The Secretary shall have five working days to review an application for completeness.

1. Nominations may be made by ~~anyone except the Preservation Commission and individual members of the Preservation Commission.~~ any person, including individual members of the Preservation Commission. In the event a member of the Preservation Commission is the nominator, he/she shall present his/her evidence in the same manner as all other nominators but shall not participate thereafter as a commission member on the matter.

Issues and Discussion

The proposed text amendment is to allow individual members of the Historic Preservation Commission to nominate properties for designation as local historic districts and landmarks. This will provide improved consistency with Section XII-3.B.1 and Section XII-3.B.2 of the Urbana Zoning Ordinance (Urbana Zoning Ordinance, p 150), which states:

Section XII-3. Historic Preservation Commission

B. Purpose. The Preservation Commission is created for the purpose of:

- 1. Identifying such buildings, structures, sites, objects, or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;*
- 2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;*

Allowing Historic Preservation Commissioners to participate in the nomination process would advance these objectives. Additionally, it would further the preservation goal in the comprehensive plan, which specifies identifying and protecting historic resources through historic district and landmark designation as an objective (2005 Comprehensive Plan, Goal 12.0, p 37).

Unlike rezoning and variance applications, historic landmark nominations have a technical aspect which can be better dealt with by those with historic preservation expertise. It can be argued that by appointing citizens with historic preservation expertise to the Historic Preservation Commission and then restricting them from being involved with nominations has the effect of constraining nominations of local historic resources.

Many communities specifically allow for historic preservation commissioners to make such nominations, including Champaign, Bloomington, and Highland Park in Illinois. Others, however, such as the cities of Springfield and Rock Island, do not explicitly specify who is allowed to make nominations, thereby allowing historic preservation commissioners to make such nominations.

Most of the historic preservation ordinances City staff has researched do not explicitly require a historic preservation commissioner to abstain from voting in a nomination that he/she submitted. According to the historic preservation planner at the City of Rock Island, a commissioner would only abstain if he/she has a financial interest in the property. The Chair of the Historic Sites Commission in Springfield explained that a commissioner there would only abstain if they either had a financial interest in the property or if they had prepared the nomination form for a fee. However, the City of St. Joseph, Missouri, for example, does not allow a Commissioner to vote on an application if he/she is the applicant.

To avoid the appearance of a conflict of interest, City planning and legal staff recommends including language requiring a Commissioner to abstain from further participating in the matter as a commission member if he/she is the nominator. If a Commissioner is the nominator, he/she

would have a personal interest in the matter. Although there may not be a statutory conflict of interest, the Commissioner can still have a conflict of interest if they have such a personal interest in a matter that he/she cannot render a fair and impartial decision.

Summary of Staff Findings

1. Urbana's Zoning Ordinance has been enacted by the corporate authorities of the City of Urbana pursuant to its home rule powers as provided for in the Constitution of the State of Illinois, 1970, and in conformance with the Illinois Municipal Code;
2. On June 6, 1998, the Urbana City Council adopted Article XII, the Historic Preservation Ordinance, as part of the Urbana Zoning Ordinance;
3. Section XII-3.B.1 and Section XII-3.B.2 of the Urbana Zoning Ordinance states the following:

B. Purpose. The Preservation Commission is created for the purpose of:

- 1. Identifying such buildings, structures, sites, objects, or historic districts within the City of Urbana that are historically significant in that they exemplify and/or reflect the cultural, social, economic, political or architectural history of the nation, state or City;*
 - 2. Advising the City Council on the designation of such buildings, structures, sites or objects as either landmarks or historic districts, as defined herein;*
4. The proposed amendment would encourage additional nominations for the designation of historic districts and landmarks.
 5. The proposed amendment is consistent with the Historic Preservation provisions of the Urbana Zoning Ordinance and with the goals and objectives of the Comprehensive Plan calling for the preservation of those characteristics that make Urbana unique.
 6. On February 6, 2008, the Urbana Historic Preservation Commission voted unanimously to recommend to the Plan Commission for approval of the proposed text amendment to the Urbana Zoning Ordinance.

Options

The Plan Commission has the following options for recommendations to the City Council. In Plan Case 2053-T-07, the Plan Commission may:

- a) Forward this case to the City Council with a recommendation for approval;

- b) Forward this case to the City Council with a recommendation for approval, as modified by specific changes; or
- c) Forward this case to the City Council with a recommendation for denial.

Staff Recommendation

Based on the evidence presented in the discussion above, and without the benefit of considering additional evidence that may be presented at the public hearing, staff recommends that the Urbana Plan Commission recommend **approval** of the proposed text amendment to the Zoning Ordinance, as presented herein.

Attachments: Minutes, February 6, 2008 Historic Preservation Commission

Cc: Alice Novak, Chair, Urbana Historic Preservation Commission
Jack Waaler, Urbana Special Counsel

5. AUDIENCE PARTICIPATION

There was none.

6. CONTINUED PUBLIC HEARINGS

There were none.

7. OLD BUSINESS

There was none.

8. NEW PUBLIC HEARINGS

There were none.

9. NEW BUSINESS

- **Proposed amendment to Sections XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance concerning nominations for local landmarks and historic districts.**

Rebecca Bird presented the staff report regarding the proposed text amendment. The amendment would allow members of the Historic Preservation Commission to nominate properties for local historic district and landmark designation. The case was to go before the Plan Commission on February 21, 2008 and staff asked the Historic Preservation Commission for its comments on the proposed amendment. A draft of the revised ordinance, incorporating the proposed text amendment was provided to the Commission. It was staff's recommendation that the Commission recommend approval of the proposed text amendment to the Plan Commission.

Ms. Novak opened the meeting to discussion of the proposed text amendment by members of the Historic Preservation Commission. There was no discussion. Ms. Stuart made a motion that the Commission recommend approval of the proposed text amendment to Sections XII-4.A.1 and XII-5.A.1 of the Urbana Zoning Ordinance concerning nominations for local landmarks and historic districts. The motion was seconded by Ms. Lipes. With no further discussion, Ms. Novak called the question. A voice vote was taken; all Commission members present voted in favor. The motion passed unanimously.